



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,617	11/22/1999	VIKTORS BERSTIS	AUS990889US1	8893

7590 01/22/2004

BRACEWELL & PATTERSON, L.L.P.  
INTELLECTUAL PROPERTY LAW  
P.O. BOX 969  
AUSTIN, TX 78767-0969

EXAMINER

ALI, AHMEDUR R

ART UNIT	PAPER NUMBER
2131	6

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

P24

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/444,617	BERSTIS ET AL.
	Examiner Ahmedur Ali	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 November 1999.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 11/17/2003. Claims 1-18 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, and 5 have been considered but are moot in view of the new ground(s) of rejection. In view of the Applicant's remarks, it is agreed that Reardon does not include the added limitation proprietary bus, a non-proprietary bus and a gateway controller to be contained within a vehicle environment. Thus a new ground of rejection of Colson et al. in view of Reardon, and Colson et al. in view of Alewine et al. is applied below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. U.S. Patent No. 6,574,734 ('Colson' hereinafter) in view of Reardon U.S. Patent No. 6,212,635.

2. As per claim 1, Colson teach a method for detecting an attempt to install an unauthorized non-proprietary device on a non-proprietary bus on a proprietary bus via a gateway controller within a vehicle environment (see abstract; col. 3, lines 1-16; col. 5, lines 28-65), said method comprising the steps of:

in response to a coupling of a non-proprietary device to a non-proprietary bus within a vehicle environment, determining whether or not said non-proprietary device has been registered to more than one gateway controller (see col. 4, lines 25-63; col. 8, lines 53-62; col. 9, lines 59-67 to col. 10, lines 1-12);

In response to a determination that said non-proprietary device has been registered to more than one gateway controller, determining whether or not said non-proprietary device is a portable device (see col. 8, lines 53-62);

in response to a determination that said non-proprietary device is a portable device, determining whether or not a predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded (see col. 7, lines 21-58; col. 9, lines 59-67 to col. 10, lines 1-37) and

in response to a determination that said predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded, indicating said non-proprietary device is not authorized to access a

proprietary bus that is coupled to said non-proprietary bus within said vehicle environment (see col. 7, lines 21-58; col. 9, lines 59-67 to col. 10, lines 1-37)

Colson does not explicitly disclose setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus.

Reardon teach setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus (see col. 17, lines 5-11; col. 24, lines 52-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Reardon within the system of Colson to arrive at the invention as claimed because the implementation of setting a flag would indicate to the vehicle manufacturer that the device registration has been compromised and an unauthorized party has accessed the system, further increasing the security of the combined system and improving the validity of determining whether or not the non-proprietary device is registered to more than one gateway controller.

3. As per claim 2, Colson does not explicitly show setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus. However, Reardon teach wherein said method further includes setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus, in response to a determination that said non-proprietary device is not a portable device (see col. 17, lines 5-11; col. 24, lines 52-59). It would have been obvious to one of ordinary skill at the art at the time the invention was made to combine Colson in view of Reardon for the same reasons set forth in claim 1 above.

4. As per claim 3, Colson teach an apparatus capable of detecting an attempt to install an unauthorized non-proprietary device on a non-proprietary bus that is coupled to a proprietary bus via a gateway controller within a vehicle environment, said apparatus (see col. 3, lines 1-16; col. 5, lines 28-65) comprising:

means for determining whether or not said non-proprietary device has been registered to more than one gateway controller, in response to a coupling of said non-proprietary device to a non-proprietary bus within a vehicle environment (see col. 4, lines 25-63; col. 8, lines 53-62; col. 9, lines 59-67 to col. 10, lines 1-7);

means for determining whether or not said non-proprietary device is a portable device, in response to a determination that said non-proprietary device has been registered to more than one gateway controller (see col. 4, lines 25-63; col. 8, lines 53-62);

means for determining whether or not a predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded, in response to a determination that said non-proprietary device is not a portable device (see col. 4, lines 25-63); and

means to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus within said vehicle environment, in response to a determination that said predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded (see col. 7, lines 21-58; col. 9, lines 59-67 to col. 10, lines 1-37).

Colson does not explicitly disclose setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus.

Reardon teach setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus (see col. 17, lines 5-11; col. 24, lines 52-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Reardon within the system of Colson to arrive at the invention as claimed because the implementation of setting a flag would indicate to the vehicle manufacturer that the device registration has been compromised and an unauthorized party has accessed the system, further increasing the security of the combined system and improving the validity of determining whether or not the non-proprietary device is registered to more than one gateway controller.

5. As per claim 4, Colson does not explicitly show a means for setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus. However, Reardon teach wherein said apparatus further includes a means for setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus, in response to a determination that said non-proprietary device is not a portable device (see col.5, lines 28-65; col. 6, lines 23-62). It would have been obvious to one of ordinary skill at the art at the time the invention was made to combine Colson in view of Reardon for the same reasons set forth in claim 3 above.

6. As per claim 5, Colson teach a computer program product residing on a computer usable medium for detecting an attempt to install an unauthorized non-

proprietary device on a non-proprietary bus that is coupled to a proprietary bus via a gateway controller within a vehicle environment, said computer program product (see col. 3, lines 1-16; col. 5, lines 28-65) comprising:

program code means for determining whether or not a non-proprietary device has been registered to more than one gateway controller, in response to a coupling of said non-proprietary device to a non-proprietary bus within a vehicle environment (see col. 4, lines 25-63; col. 8, lines 53-62; col. 9, lines 59-67 to col. 10, lines 1-7)

program code means for determining whether or not said non-proprietary device is a portable device, in response to a determination that said non-proprietary device has been registered to more than one gateway controller (see col. 4, lines 25-63; col. 8, lines 53-62);

a program code means for determining whether or not a predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded, in response to a determination that said non-proprietary device is not a portable device (see col. 4, lines 25-63); and

program code means to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus within said vehicle environment, in response to a determination that said predetermined number of acceptable multiple registrations for a portable device in more than one gateway controller has been exceeded (see col. 7, lines 21-58; col. 9, lines 59-67 to col. 10, lines 1-37).

Colson does not explicitly disclose setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus.

Reardon teach setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus (see col. 17, lines 5-11; col. 24, lines 52-59)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Reardon within the system of Colson to arrive at the invention as claimed because the implementation of setting a flag would indicate to the vehicle manufacturer that the device registration has been compromised and an unauthorized party has accessed the system, further increasing the security of the combined system and improving the validity of determining whether or not the non-proprietary device is registered to more than one gateway controller.

7. As per claim 6, Colson does not explicitly show a program code means for setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus. However, Reardon teaches wherein said computer program further includes a program code means for setting a flag to indicate said non-proprietary device is not authorized to access a proprietary bus that is coupled to said non-proprietary bus, in response to a determination that said non-proprietary device is not a portable (see col. 17, lines 5-11; col. 24, lines 52-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Colson in view of Reardon for the same reasons set forth in claim 5.

8. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. U.S. Patent No. 6,574,734 ('Colson' hereinafter) in view of Berra U.S.

Patent No. 5,459,660. Claim 7 rejected as above as in rejecting claim 1. With respect to claim 7, Colson teach wherein said determining whether or not said non-proprietary device has been registered to more than one gateway controller further includes determining whether or not said non-proprietary device has been registered to more than one gateway on said non-proprietary bus and a database with a remote server (see col. 4, lines 25-63; col. 6, lines 55-67 to col. 7, lines 1-14)

Colson do not explicitly disclose a wireless link between a wireless communication device.

Berra teaches a wireless link between a wireless communications device (see col. 3, lines 21-44)

It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Berra within the system of Colson to arrive at the invention as claimed because the implementation of a wireless communication device would enable to the device to communicate with the remote server and securely transmit the ID packets to the remote server, further improving the validity of the transmission of data packets and increasing the security of the combined system.

9. Claim 8 is rejected as above as in rejecting claim 1, wherein said proprietary bus is an original equipment manufacturer bus (see col. 6, lines 23-54).

10. Claim 9 is rejected as above in rejecting claim 1, wherein said non-proprietary device is a radio (see col. 6, lines 23-54)

11. Claim 10 is rejected as above in rejecting claim 1, wherein said non-proprietary device is a compact disc player (see col. 6, lines 23-54).

12. Claim 11 is rejected as above in rejecting claim 3, wherein said means for determining whether or non said non-proprietary device has been registered to more than one gateway controller further includes mean for determining whether or not said non-proprietary device has been registered to more than one gateway controller on said non-proprietary bus and a database within a remote server (see col. 4, lines 25-63; col. 6, lines 55-67 to col. 7, lines 1-14).

Colson do not explicitly disclose a wireless link between a wireless communication device.

Berra teaches a wireless link between a wireless communications device (see col. 3, lines 21-44)

It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Berra within the system of Colson to arrive at the invention as claimed because the implementation of a wireless communication device would enable to the device to communicate with the remote server and securely transmit the ID packets to the remote server, further improving the validity of the transmission of data packets and increasing the security of the combined system.

13. Claim 12 is rejected as above in rejecting claim 3, wherein said proprietary bus is an original equipment manufacturer bus (see col. 6, lines 23-54).

14. Claim 13 is rejected as above in rejecting claim 3, wherein said non-proprietary device is a radio (see col. 6, lines 23-54).

15. Claim 14 is rejected as above in rejecting claim 3, wherein said non-proprietary device is a compact disc player (see col. 6, lines 23-54)

16. Claim 15 is rejected as above in rejecting claim 5, wherein said program code means for determining whether or not said non-proprietary device has been registered to more than one gateway controller further includes program code means for determining whether or not said non-proprietary device has been registered to more than one gateway controller on said non-proprietary bus and a database within a remote server (see col. 4, lines 25-63; col. 6, lines 5-67 to col. 7, lines 1-14).

Colson do not explicitly disclose a wireless link between a wireless communication device.

Berra teaches a wireless link between a wireless communications device (see col. 3, lines 21-44)

It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Berra within the system of Colson to arrive at the invention as claimed because the implementation of a wireless communication device would enable to the device to communicate with the remote server and securely transmit the ID packets to the remote server, further improving the validity of the transmission of data packets and increasing the security of the combined system.

17. Claim 16 is rejected as above in rejecting claim 5, wherein said proprietary bus is an original equipment manufacturer bus (see col. 6, lines 23-54).

18. Claim 17 is rejected as above in rejecting claim 5, wherein said non-proprietary device is a radio (see col. 6, lines 23-54).

19. Claim 18 is rejected as above in rejecting claim 5, wherein said non-proprietary device is a compact disc player (see col. 6, lines 23-54).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berra (U.S. Patent No. 5,459,660) discloses a circuit and method for interfacing with vehicle computer.

Barker et al. (U.S. Patent No. 6,314,422) disclose a method for softlinking between documents in a vehicle diagnostic system.

Colson et al. (U.S. Patent No. 6,574,734) disclose a method and apparatus for securing access to automotive devices and software services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmedur Ali whose telephone number is 305-4667. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

ara

*Emmanuel L. Moise*  
EMMANUEL L. MOISE  
PRIMARY EXAMINER  
*A/A 2136*